



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 7, 2009
AGENDA DATE: January 14, 2009
PROJECT ADDRESS: 1730 Calle Poniente and 1415 La Cima Road (MST2007-000649)
 Case Planner
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Kelly Brodison, Assistant Planner *KB*

I. PROJECT DESCRIPTION

The project involves the transfer of 6,876 square feet of land from the lot at 1415 La Cima Road (APN 041-040-056) to the lot at 1730 Calle Poniente (APN 041-040-004); both lots are located within the Hillside Design District. The transfer will result in lot areas of 116,155 square feet for the property at 1415 La Cima and 13,549 square feet for the property at 1730 Calle Poniente. Two modifications are required because both parcels will continue to have less than the required amount of lot frontage in the R-1 Zone.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Street Frontage Modifications (two) to allow the two subject lots to have less than the required 60 feet of frontage on a public street (SBMC §28.15.080 and §28.92.110.A);
2. A Lot Line Adjustment (LLA) to change the property line between 1730 Calle Poniente (APN 041-040-004) and 1415 La Cima Road (APN 041-040-056) (SBMC §27.40 & Gov. Code §66412).

III. RECOMMENDATION

With the approval of the requested lot frontage modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. No construction is proposed as part of this project. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

STAFF HEARING OFFICER STAFF REPORT
1730 CALLE PONIENTE & 1415 LA CIMA ROAD (MST2007-00649)
JANUARY 7, 2008
PAGE 2



APPLICATION DEEMED COMPLETE: November 12, 2008
DATE ACTION REQUIRED PER MAP ACT: January 31, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

	1730 Calle Poniente	1415 La Cima Road
Property Owner:	Lauren Temkin	Dyna & Jay H. Kuehnle
Parcel Number:	APN 041-040-004	APN 041-040-056
General Plan:	Residential, 5 units per acre	Residential, 5 units per acre
Zoning:	R-1 (One-Family Residence) Zone	R-1 (One-Family Residence) Zone
Existing Use:	Residential	Residential
Adjacent Land Uses:	North – Residential South – Residential	
	East – Residential West – Residential	

B. PROJECT STATISTICS

	Existing		Proposed	
1730 Calle Poniente	6,672 sq. ft.	15% slope	13,548.8 sq. ft.	17.9% slope
1415 La Cima Road	123,030.9 sq. ft.	36% slope	116,155 sq. ft.	38.7% slope

C. FLOOR AREA RATION STATISTICS

	Lot Area	Maximum FAR (sq. ft.)	Existing (Net Sq. Ft.)
1730 Calle Poniente	13,548 sq. ft. net	4,193	1,935
1415 La Cima Road	116,155 sq. ft. net	5,940	2,127

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	1730 Calle Poniente	1415 La Cima Road
		Proposed	Proposed
Setbacks			
-Front	15' (1 story) 20' (2 story portion)	N/A	N/A
-Interior	5'	>5'	>5'
-Rear	5'	>5'	>5'
Building Height	30'	No Change	No Change

Parking	2 covered	2 covered	2 covered
Open Yard	1,250 square feet	>1,250 square feet	> 1,250 square feet
Lot Size	6,000 square feet	13,549 square feet	116,115 square feet
Lot Coverage			
-Building	N/A	1,935 s.f. 14%	2,127 s.f. 2%
-Paving/Driveway	N/A	1,792 s.f. 13%	2,061 s.f. 2%
-Landscaping	N/A	9,822 s.f. 73%	111,967 s.f. 96%

Slope density requirements are applied to the site in recognition of the steep topography, which increases the required minimum lot size based on the slope of the lot. Project compliance with these requirements is identified in the following table:

Standard	Requirement/ Allowance	1730 Calle Poniente Proposed	1415 La Cima Road Proposed
Lot Area Required	6,000 sq. ft. + slope density 9,000 sq. ft. net for parcel w/ av. slope of 10-20% and 12,000 sq. ft. net for parcel w/av. slope of 20-30% and 18,000 sq. ft. net for parcel w/av. Slope of 30% or more.	13,549 sq. ft. net (17.9% slope)	116,155 sq. ft. net (38.7% slope)

1730 Calle Poniente will have an average slope of 17.9% , and therefore requires 1.5 times the minimum lot area, or 9,000 square feet. The new lot size of 13,548.8 square feet is more than 1.5 times the minimum lot area of 6,000 square feet. 1415 La Cima Road will have an average slope of 38.7%, and therefore requires 3 times the minimum lot area, or 18,000 square feet. The new lot size of 116,155 square feet is more than 3 times the minimum lot area. The proposed project is consistent with the requirements of the R-1, Single-Family Residence Zone. Any future development on either parcel would be subject to the provision of the R-1 Single-Family Residential Zone and review by the Single Family Design Board.

The intent of the lot line adjustment is to bring the lot at 1730 Calle Poniente into compliance with the requirements of the R-1 zone for open yard and setbacks.

VI. ISSUES

A. ENVIRONMENTAL REVIEW

The project is a minor land transfer between two lots currently developed with single family residences. CEQA provides an exemption for projects involving minor lot line adjustments where no "new" building sites have an average slope of greater than 20% and the potential for

development would not increase. There are two existing building sites, each developed with a single family residence. Because there is no increase in the potential for development and no new building sites, the Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section 15305 (Minor Alteration in Land Use Limitations).

B. LOT FRONTAGE MODIFICATIONS

Santa Barbara Municipal Code, Section 28.151.080 (Lot Frontage Requirements) states that newly created parcels in the R-1 Zone have no less than 60 feet of frontage on a public street. Neither of the existing lots have frontage on a public street. Therefore, a modification of this requirement for each lot is necessary. Both parcels are landlocked, and the approval of the lot line adjustment would not intensify the existing legal non-conforming situation. Staff believes the proposed lot configuration is acceptable and consistent with the development pattern of the neighborhood.

C. COMPLIANCE WITH THE GENERAL PLAN

Before a Lot Line Adjustment can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision is consistent with the plans and policies of the City of Santa Barbara.

Land Use Element: the project site is located in an area recognized by the Land Use Element of the General Plan as the Westside neighborhood of the City. The Westside neighborhood is bordered on the north and east by Highway 101; on the south by Carrillo Street and the base of the Mesa Hills; and on the west by the base of the hills containing Bel Air Knolls. The major portion of the Westside neighborhood is used primarily for single-family homes. The General Plan calls for five dwelling units to the acre, and the R-1 zoning coincides with this as the majority of lots in the area are the minimum size required in an R-1 zone.

D. LOT LINE ADJUSTMENT

Government Code Section 66412 (d), a portion of the State Subdivision Map Act, requires that the proposed lot line adjustment be consistent with the City's zoning and building codes. The lot line adjustment would increase the lot area 1730 Calle Poniente from 6,673 square feet to 13,549 square feet and decrease the lot area of 1415 La Cima Road from 123,031 square feet to 116,155 square feet. The minimum lot size for an R-1 lot is 6,000 square feet for lots which have an average slope of less than ten percent; 1.5 times the minimum lot area for lots with an average slope between 10% and 20%; 2.0 times the minimum lot area for lots with an average slope between 20% and 30%; and 3.0 times the minimum lot area for lots with an average slope of 30% or more.

VII. FINDINGS

The proposed request does not raise any significant issues. No exterior changes are proposed on the project site. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings below and subject to the conditions of approval in Exhibit A:

A. STREET FRONTAGE MODIFICATIONS (SBMC §28.15.080 AND §28.92.110.A)

The modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on a lot. Neither of the existing lots has frontage on a public street and this legal-non-conforming situation will not be changed or intensified by the approval of this Lot Line Adjustment. The proposed lot configuration is consistent with the surrounding pattern of development.

B. LOT LINE ADJUSTMENT (GOV. CODE §66412 AND §SBMC 27.04.030)

The proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances. The lot line adjustment would create two legal lots that conform to the lot area, setback and open yard requirements in the R-1 zone by relocating the property line which currently separates the two properties, and are consistent with the General Plan as described in Section VI C. of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated November 12, 2008

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1730 CALLE PONIENTE & 1415 LA CIMA ROAD

LOT LINE ADJUSTMENT, MODIFICATIONS

JANUARY 14, 2009

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Conditions Agreement.** Prior to the recordation of the Lot Line Adjustment on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 - 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 - 2. **Calle Poniente & La Cima Road Public Improvements.** The Owner shall *provide adequate positive drainage from site*. If any work in the public right-of-way is proposed, a Public Works Permit will be required.
- B. **Requirements Prior to Lot Line Adjustment Approval.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
 - 1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 - 2. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment* to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
- C. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Lot Line Adjustment shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

Lot Line Adjustment (LLA)
MST #2007-00649
1730 Calle Poniente & 1415 La Cima Road
November 12, 2008

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Dear Staff Hearing Officer,

CITY OF SANTA BARBARA
PLANNING DIVISION

I am seeking a Lot Line Adjustment involving the transfer of 6,875.9 sq. ft. of lot area to Parcel 1 located at 1730 Calle Poniente (APN 041-040-004) from Parcel 2 located at 1415 La Cima Road (APN 041-040-056) per SBMC 27.40 and Government Code 66412.

My request for a Lot Line Adjustment has involved the following previous correspondence/contacts with City Staff:

- (a) Master Application dtd December 27, 2007
- (b) 30-Day DART Comments Letter dtd January 31, 2008
- (c) DART Meeting of February 5, 2008
- (d) Meeting to review project modification and DART comment response with Assistant Planner Kelly Brodison November 5, 2008

This letter and associated attachments modify the original Master Application to substantially reduce the size of the lot area to be transferred due to circumstances beyond my control. The original submittal also contemplated building a second home at some time in the future on the expanded lot. This is no longer an option because of the substantial reduction in square footage to be acquired. My response to DART comments considers that many may not apply now since there are no building envelopes, site improvements, uses or grading/soil disturbance proposed.

The reason for this Lot Line Adjustment is to bring Parcel 1 into compliance with Zoning Ordinance R-1 requirements for an open yard area and R-1 requirements for building setbacks. There are no issues or problems associated with this transfer of land.

The specifics of this Lot Line Adjustment as agreed to with the sellers: (1) incorporates a December 27, 2000 agreement to lot line adjust (recorded 12/28/2000 as a landscape easement) that I had with the sellers for acquiring 4,573.8 sq. ft. of contiguous land area on the east side of my Parcel 1 property and (2) the acquisition of an additional 2,302.1 sq. ft. of contiguous land from the same sellers to the north and west sides of my Parcel 1 property. Therefore, a total of 6,875.9 sq. ft. of land is proposed to be transferred under this Lot Line Adjustment application. All land is to be transferred from Parcel 2. Please note that this simply involves a 15' wide strip to be added to the west property line, a 10' strip to the north property line and a 52' wide strip to the east property line which is already maintained and landscaped per the December agreement identified above.

The required FAR information is presented below:


Parcel 1	Requirement/ Allowance	Existing	Proposed
Lot Coverage			
-Building	N/A	1,935 sq.ft. 29%	1,935 sq.ft. 14%
-Paving/Driveway	N/A	1,792 sq.ft. 27%	1,792 sq.ft. 13%
-Landscaping	N/A	2,945.9 sq.ft. 44%	9,821.8 sq.ft. 73%

Parcel 2	Requirement/ Allowance	Existing	Proposed
Lot Coverage			
-Building	N/A	2,127.1 sq.ft. 2%	2,127.1 sq.ft. 2%
-Paving/Driveway	N/A	2,061 sq.ft. 2%	2,061 sq.ft. 2%
-Landscaping	N/A	118,842.8 sq.ft. 96%	111,966.9 sq.ft. 96%

There will be no construction, demolition or removal of any structures, no removal of any existing trees or vegetation, there are no drainage considerations and the land remains in a natural state. There is a 100 ft. long driveway easement, a two car garage within the residential structure and separate parking space for 3 vehicles. Landscaping is natural with garden block walls no more than 2 ft. high conforming to the topography of the land at locations shown on the Survey Map. There is no grading or soil disturbance proposed. There are no issues involved with lighting, smoke and odors, or any other constraint factors. There are no recreational trails and the property is not located near any creeks or water courses. There is no involvement with hazardous materials, contaminated areas or waste. The property is not on the lists of hazardous waste sites maintained by the Secretary for Environmental Protection.

Surrounding land use designations and zone districts to the north, south, east, and west of Parcel 1 are Zone R-1 General Plan: Westside: Residential 5 units per acre.

Thank you for your consideration,



Lauren Temkin
1730 Calle Poniente
Santa Barbara, CA 93101
Cell 403-5125 Home 563-2085

ATTACHMENTS:

Settlement Agreement & Mutual Release
Owner/Agent Authorization Form
Landscape Easement
DART Letter
Responses to DART Comments
Photographs
Revised Survey (10 copies)
Exhibit A - Parcel 1 Legal Description
Exhibit B - Parcel 2 Legal Description
Exhibit C - Adjustment Areas
Slope Calculation Table For City Slopes - Parcel 1
Slope Calculation Table For City Slopes - Parcel 2
Preliminary Title Report - Parcel 1 (2 copies)
Preliminary Title Report - Parcel 2 (2 copies)